



SERVICE ANIMALS

IN CITY BUILDINGS AND CONTROLLED-ACCESS RECREATION FACILITIES

UNDER THE ADA¹

Are animals allowed in the City of Aberdeen public and governmental buildings and controlled-access recreation facilities like the Aquatics Center, Storybook Land, Senior Center, and Civic Arena?

- **Yes, but only** a dog trained and performing services related to the person's disability.
 - Miniature horses are the only other animal that may be considered a service animal under the ADA. The City will permit miniature horses where reasonable.
- **No**, if the animal is not a dog and is not trained as a service animal.
 - ***Spoiler Alert:*** *A cat, pig, ferret, rabbit, bird, lizard, or reptile cannot be a service animal.*

What qualifies as a service animal?

- A dog that is individually trained to do work or perform tasks for the benefit of a person with a disability. The trained work or task must be directly related to a person's disability.
 - Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, or alerting and protecting, in a non-violent manner, a person who is having a seizure.
- *Service animals are working animals and are not considered pets.*

Is a comfort, therapy, or emotional support animal a service animal?

- **No.** An animal whose sole function is to provide comfort, emotional support, and/or well-being *does not qualify as a service animal* under the ADA and is not allowed in the City building or controlled-access recreation facility.

¹Americans With Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended.

What questions can the City ask before an animal may be qualified to accompany its handler in the City building or facility?

1. "Is this a service animal that is required because of a disability?"

2. "What work or tasks has the animal been trained to perform?"

- These questions should not be asked where the disability is readily observable or already known to City Staff.
- If the person claims more than one service animal, each animal must perform a different task and not the same task.

What questions can the City NOT ask?

- Cannot ask the person about the nature of the disability.
- Cannot request documentation that the person has a disability.
- Cannot require documentation that the animal has been trained, licensed, or certified.

When can a service animal be denied access to the City building or facility?

- When the service animal:
 1. Is out of control and its handler does not take effective action to control it;
 2. Is not housebroken; or
 3. Poses a direct threat to the health or safety of others that cannot be eliminated or remedied or would fundamentally alter the municipal service.
 - For example, a service animal may not be allowed in a swimming pool but should be allowed on the pool deck.
- If the animal is denied access, the person with a disability may access the City building or facility without the animal.

Can the City refuse to allow service animals access to a facility based on concerns of others?

- No. The right of a person with a service animal to access the facility does not take a back seat to another person's concerns. The objecting person is free to not access the facility at this time.

Examples include:

- A person who is allergic to dogs objects to being together in the same room or facility with a service animal. Both people should be accommodated by assigning them, if possible, different locations within the room or facility.
- A person who expresses fear of dogs should be asked to move away from the service animal to a distance that makes them feel safe. But the service animal should be allowed to accompany its handler to freely access the public areas of the facility.
- A person objects to a service animal in a dining area. A well-controlled service animal may be allowed in public areas where food is sold, prepared, or eaten even if health codes do not allow animals on the premises.

ADA dos and don'ts.

- The City may not charge a fee, such as a separate admission or ticket charge, for the service animal.
- City Staff are not required to care for or supervise a service animal.

Who do I contact if I have more questions?

- If you have questions about service animals and the ADA, please contact the City Attorney's Office (605-626-7025), or the U.S. Department of Justice ADA information line (800-514-0301 (voice) or 800-514-0383 (TTY)). DOJ ADA Specialists, who assist callers in understanding how the ADA applies to their situation, are available on Monday, Tuesday, Wednesday, and Friday from 8:30 a.m. until 11:00 a.m. and again from 2:00 p.m. until 4:30 p.m. (Central Time) and on Thursday from 1:30 p.m. until 4:30 p.m. (Central Time). Calls to the DOJ ADA are confidential.